

In re) Fair Hearing No. 20,710
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Appeal of)

The petitioner appeals the decision by the Department for Children and Families to reduce his Food Stamps. The issue is whether the Department correctly calculated the amount of petitioner's benefits given that petitioner receives subsidized housing including utilities.

1. The petitioner is a single individual receiving Social Security disability benefits and living in subsidized housing. Utilities are included as part of the subsidy.

2. In a review application dated December 14, 2006, petitioner listed his rent as \$144 per month. Petitioner's food stamp benefits were recalculated based on a slight increase in petitioner's social security benefits of \$20 per month and based upon the calculation of his shelter deductions to accurately reflect petitioner's subsidized rental. The Department issued a notice January 7, 2007 to

reduce petitioner's food stamps from \$18 per month to \$10 per month.

3. A hearing was held on February 14, 2007. At that hearing, it became apparent that petitioner was unclear whether his monthly rent was \$144 or \$163. The hearing was adjourned to allow the Department to contact the Burlington Housing Department to verify the petitioner's rental obligation.

4. The Burlington Housing Authority verified petitioner's rent as \$182 per month. Based upon the corrected figure, the Department has recalculated the petitioner's food stamps and issued a new decision setting his food stamp benefits at \$21 per month.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp program was created to combat hunger and malnutrition among low income households. Food Stamp Manual (FSM) § 271.1. Once a household is certified, the household's eligibility is reevaluated periodically to determine whether the household continues to meet the eligibility requirements, and, if so, the amount of benefits.

In determining the amount of food stamps, the Department takes into account both a standard deduction of \$134 and a shelter/utility allowance. FSM § 273.9d(5) and (6), P-2590A. For households receiving subsidized rent that includes utilities, a standard utility allowance is used. FSM § 273.9d(6), P-2590A(5).

Petitioner's housing subsidy includes utilities. The Department recalculated petitioner's shelter/utility allowance as part of the December 2006 recertification using their new understanding that petitioner's rent included utilities. Their calculations were based upon petitioner's reports of his rental amount at that time. The Department is correct in their treatment of subsidized rentals with utilities included when calculating the shelter/utility deduction.

Upon learning that petitioner's reporting of his rent was incorrect; the Department verified the rent and utility subsidy with the Burlington Housing Authority and recalculated the amount of the shelter/utility deduction to determine the correct amount of food stamps.

Accordingly, the Department's decision to recalculate petitioner's food stamps following procedures for households

receiving subsidized housing including utilities is affirmed.

3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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